

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MEDICIS PHARMACEUTICAL
CORPORATION,

Plaintiff,

-against-

NYCOMED U.S. INC. and NYCOMED
GMBH,

Defendants.

Civil Action No.
10-CV-4140 (LAK)(JCF)

STIPULATION AND ~~PROPOSED~~
ORDER

WHEREAS Medicis Pharmaceutical Corporation ("Medicis") filed the Complaint in this action on May 19, 2010;

WHEREAS Nycomed U.S. Inc. ("Nycomed") filed its Answer and Counterclaims [DE 5] on August 3, 2010;

WHEREAS Medicis filed a Motion to Dismiss Nycomed's Inequitable Conduct and Patent Misuse Counterclaims Pursuant to Rule 12(b)(6) [DE 16] on December 15, 2010;

WHEREAS Nycomed filed an Amended Answer and Counterclaims [DE 19] withdrawing its inequitable conduct and patent misuse counterclaims on December 23, 2010;


WHEREAS Nycomed's opposition to Medicis' Motion to Dismiss is currently due on or before January 19, 2011;

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that:

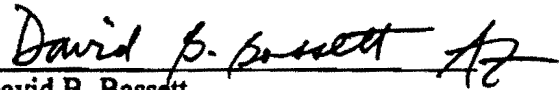
1. Medicis hereby withdraws as moot its Motion to Dismiss Nycomed's Inequitable Conduct and Patent Misuse Counterclaims Pursuant to Rule 12(b)(6) [DE 16].

2. Medicis will file its Reply to Nycomed's Amended Answer and Counterclaims [DE 19] on or before January 14, 2011.

4/19/11



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Attorneys for Plaintiff Medicis Pharmaceutical
Corporation

Attorneys for Defendant Nycomed U.S. Inc.

January 12, 2011

SO ORDERED this 18 day of Jan, 2011



The Honorable Lewis A. Kaplan
United States District Judge